

**REMARKS**

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. In this Reply, claims 53-58 are added. Therefore, claims 1-3, 5-17, 19-20 and 22-58 are pending. Claims 1, 17, 34, 35, 38 and 41 are independent.

**ALLOWABLE SUBJECT MATTER CLARIFICATION**

In the Office Action, claims 2-3, 6-8, 11-17, 18, 20, 22-25, 28-33, 36, 37, 39-40, 42-43 and 50-52 are indicated to include allowable subject matter. *See Office Action, item 4.* Applicants note that claims 5, 19 and 46-47 were not specifically commented in the Office Action. Applicants will assume these claims also include allowable subject matter.

Regarding claims 17 and 37, in item 2 of the Office Action, these claims are indicated to be rejected as being anticipated by Kubo (USP 6,992,711). Thus, applicants will treat these claims as being rejected even though they are also listed as including allowable subject matter.

**§ 102 REJECTION – KUBO**

Claims 1, 9, 10, 17, 26-27, 35, 37-38, 44-45 and 48 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Kubo. *See Office Action, item 2.* Applicants respectfully traverse.

Independent claim 1 recites, in part “automatically selecting said write-execution medium wearable unit according to a preset instruction that reflects a user’s medium selection trait” and “wherein said preset instruction is set based on an order of media loaded to said plurality of medium wearable units.” In other words, the order of media loaded into the medium wearable units is a factor in determining which medium wearable unit is selected for writing of data. Contrary to the Examiner’s allegation, Kubo cannot teach or suggest this feature.

Kubo clearly indicates that the setting of the selection switch 6b determines whether the memory card 40a or the magnetic disk card 40b is selected for recording of captured images. *See col. 6, lines 30-38.* In other words, the user determines which medium to record the images regardless of the order in which the memory card 40a and the magnetic disk card 40b are loaded. This is clearly contrary to the feature as recited in claim 1.

As further evidence, Figure 7 of Kubo illustrates a flow chart to execute a continuous photographing. The captured image stored in the image memory 21 is temporarily stored in the memory card 40a, which is not selected as a subject of recording. When the magnetic disk card 40b, which is selected as the subject of recording, is in condition capable of recording the captured image, the captured image stored in the memory card 40a is recorded in the magnetic disk card 40b. In other words, the memory card 40a, which can

record the captured image at higher speed than the magnetic disk card 40b is used as a temporary buffer, to thereby enable early deletion of the captured images from the image memory 21. Again, this process occurs regardless of the order of the loading of the memory card 40a and magnetic disk card 40b into the digital camera. Clearly, Kubo cannot teach or suggest the feature of the preset instruction being set based on the order of media loaded to the plurality of medium wearable units as recited in claim 1. For at least this reason, independent claim 1 is distinguishable over Kubo.

Independent claim 17 recites, in part “controlling said selecting of said write-execution medium wearable unit according to a preset instruction” and “wherein said preset instruction is set based on an order of media loaded to said plurality of medium wearable units.” It is demonstrated above that Kubo cannot teach or suggest this feature. Accordingly, claim 17 is distinguishable over Kubo.

Independent claim 35 recites, in part “selecting said write-execution medium wearable unit according to a preset instruction” and “wherein said preset instruction is set on an order of media loaded to said plurality of medium wearable units.” As demonstrated above, Kubo cannot teach or suggest this feature. Accordingly, independent claim 35 is distinguishable over Kubo.

Independent claim 38 recites, in part “selecting said write-execution medium wearable unit according to a preset instruction” and “wherein said preset instruction is set on an order of media loaded to said plurality of medium wearable units.” As demonstrated above, Kubo cannot teach or suggest this feature. Accordingly, independent claim 38 is distinguishable over Kubo.

Independent claim 41 recites, in part “selecting from a plurality of medium wearable units a medium wearable unit that executes writing of data according to a preset instruction” and “wherein said preset instruction is set on an order of media loaded to said plurality of medium wearable units.” As demonstrated above, Kubo cannot teach or suggest this feature. Accordingly, independent claim 41 is distinguishable over Kubo.

Claims 9-10, 26-27, 37, 44-45 and 48 depend from independent claims 1, 17, 35, 38 and 41 directly or indirectly. Accordingly, these dependent claims are also distinguishable over Kubo.

Applicants respect request that the rejection of claims 1, 9-10, 17, 26-27, 35, 37-38, 44-45 and 48 based on Kubo be withdrawn.

**§ 103 REJECTION – KUBO**

Claims 34, 41 and 49 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kubo. *See Office Action, item 3.* Applicants respectfully traverse.

Regarding independent claim 41, is demonstrated above that the claim is distinguishable over Kubo.

Independent claim 34 recites, in part “selecting from a plurality of medium wearable units a medium wearable unit that executes writing of data according to a preset instruction” and “wherein said preset instruction is set based on an order of media loaded to said plurality of medium wearable units.” It is demonstrated above that Kubo cannot teach or suggest this feature. Accordingly, claim 34 is distinguishable over Kubo.

Claim 49 depends from independent claim 41 and claim 41 is distinguishable over Kubo. Accordingly, claim 49 is also distinguishable over Kubo.

Applicants respectfully request that the rejection of claims 34, 41 and 49 based on Kubo be withdrawn.

**NEW CLAIMS**

Claims 53-58 are added through this Reply. No new matter is presented. The new claims are distinguishable over the cited references for at least due to

their dependencies from independent claims. Applicants respectfully request that the new claims be allowed.

### CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH &, BIRCH, LLP

By: 

Michael K. Mutter  
Reg. No. 29,680

  
MKM/HNS/vd

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000